BILL NO. G-96-11-47 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-32-96

AN ORDINANCE adding Chapter 101: "Public Assemblies, Parades, Neighborhood Association Parades and Block Parties" to the City of Fort Wayne Code of Ordinances

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 101 is added to the City of Fort Wayne Code of Ordinances, to read as follows:

SECTION 101.01 DEFINITIONS.

Block Party	A public assembly sponsored solely by and for the residents of a certain street.
Chief of Police.	The Chief of Police of the City of Fort Wayne, Indiana
City.	The City of Fort Wayne, Indiana
Neighborhood Association	An organization recognized by the Office of the Mayor as representing City residents from a distinct area of the City with defined physical boundaries.
Parade	Any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds.
Public assembly, parade, neighborhood association parade or block party permit	A permit as required by this Chapter.
Person	Any person, firm, partnership, association, corporation, company or organization of any kind.
Public assembly	Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a

	place open to the general public.
Sidewalk	Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
Street	Any place or way set aside or open to the general public for purpose of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

SECTION 101.02 PERMIT REQUIRED.

No person shall engage in or conduct any public assembly, parade, neighborhood association parade or block party unless a permit is issued by the Director of Public Safety and the Director of Public Works.

SECTION 101.03 EXCEPTIONS.

This Ordinance shall not apply to the following:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions; and

(D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such public assembly, parade, neighborhood association parade or block party.

SECTION 101.04 APPLICATION.

(A) A person seeking a public assembly, parade, neighborhood association parade or block party permit shall file an application with the Office of the Board of Public Works on forms provided by the City.

(B) For single, non-recurring public assemblies, parades, neighborhood association parades or block parties, an application or a permit shall be filed with the Office of the Board of Public Works for at least ten (10) and not more than one hundred eighty (180) days before the public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum ten (10)

day filing period if, after due consideration of the date, time, place and nature of the public assembly, parade, neighborhood association parade or block party, the anticipated number of participants, and the City services required in connection with the event, the Directors determine that the waiver will not present a hazard to public safety.

(C) For public assemblies, parades, neighborhood association parades or block parties held on a regular or recurring basis at the same location, an application for a permit covering all such public assemblies, parades, neighborhood association parades or block parties during that calendar year may be filed with the Office of the Board of Public Works at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(D) The application for a public assembly, parade, neighborhood association parade or block party permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such public assembly, parade, neighborhood association parade or block party;

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the public assembly, parade, neighborhood association parade or block party is to be conducted, if any, and the authorized and responsible heads of the organization;

(3) The requested date of the public assembly, parade, neighborhood association parade or block party;

(4) The route to be traveled, including the starting point and the termination point;

(5) The approximate number of persons who, and animals and vehicles which will constitute such public assembly, parade, neighborhood association parade or block party and the type of animals and description of the vehicles;

(6) The hours when such public assembly, parade, neighborhood association parade or block party will start and terminate;

(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00	Block Party Permit.
$10.00	Neighborhood Association Parade Permit for a parade sponsored by and for a

neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section;

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

(10) No public assembly, parade, neighborhood association parade or block party permit application for the same time and location is already granted or has been received and will be granted;

(11) No public assembly, parade, neighborhood association parade or block party permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior public assembly, parade, neighborhood association parade or block party are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;

(12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way unless specific approval is granted by the Director of Public Works as part of the application for the public assembly, parade, neighborhood association parade or block party permit.

SECTION 101.08 NON-DISCRIMINATION.

The Director of Public Safety and Director of Public Works, acting jointly, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 101.09 NOTICE OF DENIAL OF APPLICATION.

The Director of Public Safety and the Director of Public Works shall act promptly upon a timely filed application for a public assembly, parade, neighborhood association parade or block party permit but in not event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Director of Public Safety and the Director of Public Works disapprove the application, they shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of their action and state the reasons for denial.

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Office of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed public assembly, parade, neighborhood association parade or block party to knowingly fail to comply with any condition of the permit;

(D) It shall be unlawful for any person to engage in any public assembly, parade, neighborhood association parade or block party activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(E) It shall be unlawful for any person participating in any public assembly, parade, neighborhood association parade or block party to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such an object is one-fourth (1/4") inches or less in thickness and two (2") inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4") inches in its thickest dimension;

(F) It shall be unlawful for any person to carry an sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(G) It shall be unlawful for any person participating in a public assembly, parade, neighborhood association parade or block party to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Chapter 96.

(H) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 101.16 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES OR BLOCK PARTIES.

(A) No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly, parade, neighborhood association parade or block party or with any person, vehicle or animal participating or used in a public assembly, parade, neighborhood association parade or block party.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a public assembly, parade, neighborhood association parade or block party when such vehicles or persons are in motion and are conspicuously designated as a public assembly, parade, neighborhood association parade or block party.

(C) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly, parade, neighborhood association parade or block party. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

BILL NO. G-96-11- 47

GENERAL ORDINANCE NO. _____

AN ORDINANCE adding Chapter 101: "Public Assemblies, Parades, Neighborhood Association Parades and Block Parties" to the City of Fort Wayne Code of Ordinances

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 101 is added to the City of Fort Wayne Code of Ordinances, to read as follows:

SECTION 101.01 DEFINITIONS.

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Chief of Police.	The Chief of Police of the City of Fort Wayne, Indiana
City.	The City of Fort Wayne, Indiana
Neighborhood Association	An organization recognized by the Office of the Mayor as representing City residents from a distinct area of the City with defined physical boundaries.
Parade	Any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds.
Public assembly, parade, neighborhood association parade or block party permit	A permit as required by this Chapter.
Person	Any person, firm, partnership, association, corporation, company or organization of any kind.
Public assembly	Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a

	place open to the general public.
Sidewalk	Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
Street	Any place or way set aside or open to the general public for purpose of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

SECTION 101.02 PERMIT REQUIRED.

No person shall engage in or conduct any public assembly, parade, neighborhood association parade or block party unless a permit is issued by the Director of Public Safety and the Director of Public Works.

SECTION 101.03 EXCEPTIONS.

This Ordinance shall not apply to the following:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions; and

(D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such public assembly, parade, neighborhood association parade or block party.

SECTION 101.04 APPLICATION.

(A) A person seeking a public assembly, parade, neighborhood association parade or block party permit shall file an application with the Office of the Board of Public Works on forms provided by the City.

(B) For single, non-recurring public assemblies, parades, neighborhood association parades or block parties, an application or a permit shall be filed with the Office of the Board of Public Works for at least ten (10) and not more than one hundred eighty (180) days before the public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum ten (10)

day filing period if, after due consideration of the date, time, place and nature of the public assembly, parade, neighborhood association parade or block party, the anticipated number of participants, and the City services required in connection with the event, the Directors determine that the waiver will not present a hazard to public safety.

(C) For public assemblies, parades, neighborhood association parades or block parties held on a regular or recurring basis at the same location, an application for a permit covering all such public assemblies, parades, neighborhood association parades or block parties during that calendar year may be filed with the Office of the Board of Public Works at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(D) The application for a public assembly, parade, neighborhood association parade or block party permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such public assembly, parade, neighborhood association parade or block party;

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the public assembly, parade, neighborhood association parade or block party is to be conducted, if any, and the authorized and responsible heads of the organization;

(3) The requested date of the public assembly, parade, neighborhood association parade or block party;

(4) The route to be traveled, including the starting point and the termination point;

(5) The approximate number of persons who, and animals and vehicles which will constitute such public assembly, parade, neighborhood association parade or block party and the type of animals and description of the vehicles;

(6) The hours when such public assembly, parade, neighborhood association parade or block party will start and terminate;

(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00	Block Party Permit.
$10.00	Neighborhood Association Parade Permit for a parade sponsored by and for a

neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any policy protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City policy officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

(10) No public assembly, parade, neighborhood association parade or block party permit application for the same time and location is already granted or has been received and will be granted;

(11) No public assembly, parade, neighborhood association parade or block party permit application for the same time but location is already granted or has been received and will be granted, and the police resources required for that prior public assembly, parade, neighborhood association parade or block party are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;

(12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way unless specific approval is granted by the Director of Public Works as part of the application for the public assembly, parade, neighborhood association parade or block party permit.

SECTION 101.08 NON-DISCRIMINATION.

The Director of Public Safety and Director of Public Works, acting jointly, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 101.09 NOTICE OF DENIAL OF APPLICATION.

The Director of Public Safety and the Director of Public Works shall act promptly upon a timely filed application for a public assembly, parade, neighborhood association parade or block party permit but in not event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Director of Public Safety and the Director of Public Works disapproves the application, he shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of their action and state the reasons for denial.

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Office of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed public assembly, parade, neighborhood association parade or block party to knowingly fail to comply with any condition of the permit;

(D) It shall be unlawful for any person to engage in any public assembly, parade, neighborhood association parade or block party activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(E) It shall be unlawful for any person participating in any public assembly, parade, neighborhood association parade or block party to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such an object is one-fourth (1/4") inches or less in thickness and two (2") inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4") inches in its thickest dimension;

(F) It shall be unlawful for any person to carry an sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(G) It shall be unlawful for any person participating in a public assembly, parade, neighborhood association parade or block party to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Chapter 96.

(H) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 101.16 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES OR BLOCK PARTIES.

(A) No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly, parade, neighborhood association parade or block party or with any person, vehicle or animal participating or used in a public assembly, parade, neighborhood association parade or block party.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a public assembly, parade, neighborhood association parade or block party when such vehicles or persons are in motion and are conspicuously designated as a public assembly, parade, neighborhood association parade or block party.

(C) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly, parade, neighborhood association parade or block party. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

ARTICLE 13-6: NIMLO MODEL PARADE AND PUBLIC ASSEMBLY ORDINANCE

Section

13-601 Definitions
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SECTION 13-601. Definitions.

(a) *Chief of Police* means the Chief of Police of the City of _____.

(b) *City* means the City of _____.

(c) *Parade* means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds.

(d) *Parade or public assembly permit* means a permit as required by this Ordinance.

(e) *Person* means any person, firm, partnership, association, corporation, company or organization of any kind.

(f) *Public assembly* means any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.

(g) *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

(h) *Street* is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

SECTION 13-602. Permit Required.

No person shall engage in or conduct any parade or public assembly unless a permit is issued by the Chief of Police.

SECTION 13-603. Exceptions.

This Ordinance shall not apply to the following:

(a) Funeral processions;

(b) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(c) A governmental agency acting within the scope of its functions; and

(d) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such parade or public assembly.

SECTION 13-604. Application.

(a) A person seeking a parade or public assembly permit shall file an application with the Chief of Police on forms provided by such officer and the application shall be signed by the applicant under oath.

(b) For single, non-recurring parades or public assemblies, an application for a permit shall be filed with the Chief of Police at least ten (10) and not more than one hundred eighty (180) days before the parade or public assembly is proposed to commence. The Chief of Police may waive the minimum ten (10) day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the parade or public assembly, the anticipated number of participants, and the City services required in connection with the event, the Chief of Police determines that the waiver will not present a hazard to public safety.

(c) For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year may be filed with the Chief of Police at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such parade or public assembly is proposed to commence. The Chief of Police may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(d) The application for a parade or public assembly permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade or public assembly;

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;

(3) The requested date of the parade or public assembly;

(4) The route to be traveled, including the starting point and the termination point;

(5) The approximate number of persons who, and animals and vehicles which will constitute such parade or public assembly and the type of animals and description of the vehicles;

(6) The hours when such parade or public assembly will start and terminate;

(7) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such parade or public assembly;

(9) The time at which units of the parade or public assembly will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such parade or public assembly;

(11) If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the Chief of Police authorizing the applicant to apply for the permit on his behalf;

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should issue.

SECTION 13-605. Fees.

(a) A non-refundable fee of [$_____] to cover administrative costs of processing the permit shall be paid to the City of _____ by the applicant when the application is filed.

(b) If the application is for the use of any City property or if any City services shall be required for the parade or public assembly, the applicant shall pay, prior to the issuance of a permit, the charges for those services in accordance with a schedule of service costs approved by the City Council by resolution.

SECTION 13-606. Police Protection.

(a) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(b) Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

SECTION 13-607. Standards for Issuance.

(a) The Chief of Police shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the parade or public assembly will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals, and vehicles at public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;

(4) The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;

(5) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section 13-606;

(9) Such parade or public assembly is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

(10) No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted;

(11) No parade or public assembly permit application for the same time but location is already granted or has been received and will be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

(12) No event is scheduled elsewhere in the City where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained from the City Council.

SECTION 13-608. Non-Discrimination.

The Chief of Police shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 13-609. Notice of Denial of Application.

The Chief of Police shall act promptly upon a timely filed application for a parade or public assembly permit but in no event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Chief of Police disapproves the application, he shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of his action and state the reasons for denial.

SECTION 13-610. Alternative Permit.

(a) The Chief of Police, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police.

(b) An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a parade or public assembly permit issued under this Ordinance.

SECTION 13-611. Appeal Procedure.

(a) Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the City Council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Chief of Police and a copy of the notice with the City Clerk. The City Council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(b) In the event that the City Council rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 13-612. Notice to City and Other Officials.

Immediately upon the issuance of a parade or public assembly permit, the Chief of Police shall send a copy thereof to the following:

(a) The Mayor [or City Manager];

(b) The City Attorney;

(c) The Fire Chief;

(d) The Director of the Department of Public Works;

(e) The Postmaster; and

(f) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade or public assembly.

SECTION 13-613. Contents of Permit.

Each parade or public assembly permit shall state the following information:

(a) Starting and approximate ending time;

(b) Minimum speed of parade units;

(c) Maximum speed of parade units;

(d) Maximum interval of space to be maintained between parade units;

(e) The portions of the streets that may be occupied by the parade or public assembly;

(f) The maximum length of the parade in miles or fractions thereof; and

(g) Such other information as the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 13-614. Duties of Permittee.

(a) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The parade or public assembly chairman or other person heading such activity shall carry the parade or public assembly permit upon his person during the conduct of the parade or public assembly.

SECTION 13-615. Prohibitions.

The following prohibitions shall apply to all parades and public assemblies:

(a) It shall be unlawful for any person to stage, present, or conduct any parade or public assembly without first having obtained a permit as herein provided;

(b) It shall be unlawful for any person to participate in a parade or public assembly for which the person knows a permit has not been granted;

(c) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;

(d) It shall be unlawful for any person to engage in any parade or public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(e) It shall be unlawful for any person participating in any parade or public assembly to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one-fourth inch (1/4") or less in thickness and two inches (2") or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths inch (3/4") in its thickest dimension;

(f) It shall be unlawful for any person to carry any sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(g) It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by City Ordinance _____ [city ordinance that specifies permissible decibel levels for sound equipment used in public places]; and

(h) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 13-616. Public Conduct During Parades or Public Assemblies.

(a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or public assembly or with any person, vehicle or animal participating or used in a parade or public assembly.

(b) No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.

(c) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 13-617. Revocation of Permit.

The Chief of Police shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 13-618. Penalties.

Any person violating the provisions of any section of this Ordinance shall, upon conviction, be punished by fine not to exceed $_____ or imprisonment of not more than _____ days, or both.

SECTION 13-619. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PARADES AND PUBLIC ASSEMBLIES: EDITOR'S COMMENTARY

I. Introduction

This Model Ordinance revises and supersedes the prior NIMLO Model Ordinance for Parades that appears in the former **NIMLO Model Ordinance Service** as Sections 10-301 through 10-316. Portions of this Model are based on code provisions adopted by: Beverly Hills, California; Orlando, Florida and the prior NIMLO model.

II. Case Law

A. Power to Regulate.

Parades and public assemblies are forms of expression and, therefore, "well within the sphere of conduct protected by the First Amendment." *Gregory v. Chicago*, 394 U.S. 111, 112 (1969). In attempting to regulate such speech related activities, "there [exists] a 'heavy presumption against the validity of a prior restraint on First Amendment privileges.'" *Forsyth County, Ga. v. Nationalist Movement*, 112 S. Ct. 2395, 2401 (1992), citing, *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963). However, the United States Supreme Court has recognized that the regulation of streets for parades and public assemblies is a traditional exercise of control by local governments, and in order to regulate competing uses of these public forums local governments may impose a permit requirement on those who seek to hold parades and public assemblies. *See Cox v. New Hampshire*, 312 U.S. 569, 574-76 (1941).

Governmental limitations on the exercise of First Amendment rights in a traditional public forum are proper only when they are valid time, place and manner restrictions that are content neutral, narrowly tailored to serve significant governmental interests, and leave open alternative channels of communication. *See U.S. v. Grace*, 461 U.S. 171, 177 (1983); *see also Central Florida Nuclear Freeze Campaign v. Walsh*, 774 F. 2d 1515, 1523 (11th Cir. 1985). The principle inquiry in determining content neutrality is whether a regulation was adopted to restrict a message conveyed by the regulated activity. *See Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 295 (1984).

> The government's purpose is the controlling consideration. A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others.

Ward v. Rock Against Racism, 491 U.S. 781, 792 (1989).

B. Permits

"A law subjecting the exercise of First Amendment Freedoms to the prior restraint of a license" must contain "narrow, objective, and definite standards to guide the licensing authority." *Shuttlesworth v. Birmingham*, 394 U.S. 147, 150-51 (1969). Thus, an ordinance that grants a government administrator discretion to vary the fee for parading to reflect the estimated costs of maintaining order through the use of local police violates the free speech guarantees of the First Amendment. *Forsyth County, Ga. v. Nationalist Movement*, 112 S. Ct. at 2403-05. In reviewing a parade permit application, an administrator must rely on objective factors and provide an explanation for his decision. *Id.* at 2403. Further the decision must be reviewable. *Id.*; *see also United Commercial Workers v. City of Valdosta*, 861 F. Supp. 1570, 1583 (M.D. Ga. 1994).

1. Fees

To be valid, a parade licensing fee should reflect only the costs necessary for the administration of the law and maintaining public order for the parade. *See Cox v. New Hampshire*, 312 U.S. 569, 577 (1941). In *Nationalist Movement v. City of Cumming*, 913 F. 2d 885, 891 (11th Cir. 1990), *aff'd sub. nom.*, *Forsyth County, Ga. v. Nationalist Movement*, 112 S. Ct.at 2395 (1992), a permit fee assessing a "sum not more than $1000.00 for each day such parade,

procession, or open air public meeting shall take place" was deemed unconstitutional because the fee was not sufficiently low to be nominal. *See also Stonewall Union v. City of Columbus*, 931 F. 2d 1130, 1133, (6th Cir.), *cert. denied*, 502 U.S. 899 (1991) (upholding fees assessed for permit and traffic control that were directly apportioned to the administrative costs of processing the permit application and the necessary traffic control services).

A local government cannot require a parade permit fee because additional police protection will be needed due to the content of the parade's message. *Central Florida Nuclear Freeze Campaign v. Walsh*, 774 F.2d 1515, 1523 (11th Cir.), *cert. denied*, 475 U.S. 1120 (1985) (holding public assembly ordinance requiring prepayment of costs for additional police protection facially invalid where no objective and adequate standards were provided to guide the administrator in considering whether additional police protection would be required for traffic and crowd control).

2. Notice

The period of notice required to obtain a parade permit cannot be excessive. *See N.A.A.C.P. Western Region v. City of Richmond*, 743 F.2d 1346, 1357 (9th Cir. 1984). In *N.A.A.C.P.*, the city's ordinance required that the city receive applications for permits at least 20 days in advance of the proposed event. The N.A.A.C.P.'s application was denied on the grounds that it did not comply with the advance notice requirement. The ordinance also provided that the city counsel could waive the 20 day deadline under unusual circumstances, but no meeting could be scheduled before the date on which the N.A.A.C.P. sought to hold its protest. The court held that the 20 day requirement was an unconstitutional restriction on free speech where less restrictive means of achieving the city's interest in traffic control were available in a scheme providing for substantially less advance notice. *Id.* at 1354-57. The court also found the ordinance provision granting the city council discretion to waive the advance notice requirement unconstitutional as it granted the council unfettered discretion to restrict speech. *Id.* at 1358; *see also A Quaker Action Group v. Morton*, 516 F. 2d 717, 735 (D.C. Cir. 1975) (upholding two-day notice requirement); *Powe v. Miles*, 407 F. 2d 73, 84 (2nd Cir. 1968) (upholding two-day notice requirement); *Jackson v. Dobbs*, 329 F. Supp. 287, 292 (N.D. Ga. 1970), *aff'd*, 442 F. 2d 928 (5th Cir. 1971) (upholding ordinance that requires a marcher to obtain a permit by 4:00 p.m. on the day preceding the march); *York v. City of Danville*, 152 S.E.2d 259, 264 (Va. 1967) (striking down a 30 to 60 day advance notice requirement).

3. Insurance and Indemnification

The courts have invalidated permit requirements that an applicant procure liability insurance or indemnify the local government as an unreasonable restraint of free speech. *See Collin v. Smith*, 447 F. Supp. 676, 684-86 (N.D. Ill.), *aff'd*, 578 F.2d 1197 (7th Cir.), *cert denied*, 439 U.S. 916 (1978) (invalidating requirement for public liability insurance of $300,000 and property damage insurance of $50,000); see also *Eastern Connecticut Citizens Action Group v. Powers*, 723 F.2d 1050, 1057 (2nd Cir. 1983) (invalidating state's liability insurance requirement for protestors marching along railroad bed); *Invisible Empire of the Knights of the KKK v. Mayor of Thurmont*, 700 F. Supp. 281, 285 (D. Md. 1988) (holding that town's liability insurance and hold harmless or indemnification requirements for parade sponsor not narrowly tailored to serve as significant government interest). However, in all of the cases cited above the courts noted that they were not ruling on the broader issue of the constitutionality of parade insurance requirements in all circumstances, suggesting that such requirements may be permissible in limited situations. *See Powers*, 723 F.2d at 1057 ("Nor do we suggest that DOT's fee and insurance requirements would not be valid when reasonably applied."); *Empire*, 700 F. Supp. at 286 ("However, the Court need not rule on the broader issue of the Town's power to require insurance for parades in the future under other circumstances.").

C. Time, Place and Manner Restrictions

An absolute prohibition against parades or public assemblies is invalid per se. *See Hague v. Committee for Industrial Organization*, 307 U.S. 496, 516

(1939); *see also United Food & Commercial Workers v. City of Valdosta*, 861 F. Supp. at 1580-82 (holding that an absolute prohibition of public assemblies upon streets, roadways, highways, sidewalks, driveways, and alleys predominantly dedicated to vehicular traffic within the city was not narrowly tailored to serve a significant government interest). However, a regulation may provide for the consideration of the time, place and manner of meetings and parades in relation to other proper uses of streets and public places in order to ensure free passage of traffic and to prevent public disorder.

1. Time

In *Abernathy v. Conroy*, 429 F.2d 1170 (4th Cir. 1970), the court upheld an ordinance that requires parades to convene after 8:00 a.m. and end before 8:00 p.m. The court determined that restricting parades to the daylight hours in order to accomplish the legitimate end of preserving "reasonable serenity" for its citizens during the nighttime hours was not an unreasonable limitation upon the right of free expression. *Id.* at 1174. The court noted that because the evening "is traditionally a time of repose, when people retire to their homes for relaxation," there was a significant state interest in imposing the time restriction. *Id.* Moreover, the court found that prohibiting night parades facilitates crime prevention and the maintenance of public safety. *Id.*

In *Beckerman v. City of Tupelo, Mississippi*, 664 F.2d 502 (5th Cir. 1981), the court held that an ordinance that prohibited parades after 6:00 p.m. was overly restrictive. The court found that the cut-off time was arbitrary because it remained light in the city after 6:00 p.m. and, therefore, arguments related to night-time safety issues were without merit. *Id.* at 512. The court noted that the city could have reasonably restricted parading to "daylight" hours, however, the regulation "must be drawn to assure minimal intrusion on First Amendment rights." *Id.*; *accord United Food & Commercial Workers v. City of Valdosta*, 861 F. Supp. at 1581 ("[B]an on all public assemblies prior to eight o'clock a.m. or subsequent to eleven o' clock p.m. does not take into account the variety of expressive activity upon which this restriction may place an unreasonable burden.").

2. Place

Although a municipality may impose reasonable restrictions on the right to parade in residential areas, a municipality may not completely ban parades in those areas. *See United Food and Commercial Workers v. City of Valdosta*, 861 F. Supp at 1582, *citing Frisby v. Schultz*, 487 U.S. 474, 480 (1988) ("[A] public street does not lose its status as a traditional public forum simply because it runs through a residential neighborhood"). A separate NIMLO Model will include provisions that specifically regulate residential picketing.

The licensing authority may designate or alter a parade or assembly route, but not so much that it infringes upon First Amendment rights. Thus, an ordinance prohibiting exhibitions on sidewalks in a city's business district does not violate the First Amendment. *See Davenport v. City of Alexandria*, 683 F.2d 853 (4th Cir. 1982). In *Davenport*, the court held that the city had a legitimate interest in preserving access to buildings and maintaining the normal flow of pedestrian and vehicular traffic by restricting parade routes. *Id.* at 856. However, where a city offered no reason for altering the route of a particular parade other than an objection to the message of the march and manner in which that message had been verbalized in the past, a court held that the attempted alteration was forbidden by the First Amendment. *See Catholic War Veterans v. City of New York*, 576 F. Supp. 71, 76 (S.D.N.Y. 1983).

An anticipated disruptive response to the message of a march or parade is not a valid ground upon which to place restrictions on a parade. In *Christian Knights of the Ku Klux Klan Invisible Empire v. District of Columbia*, 919 F.2d 148 (D.C. Cir. 1990), a challenge was brought against the city's denial of a parade permit for a march from the Washington Monument to the Capitol and the issuance of a permit allowing a march of a much shorter distance. An injunction was issued and the city appealed. The court affirmed the injunction, holding that the

restriction was not a content-neutral place regulation on protected speech because the restriction was based on the city's anticipation of listeners' violent reaction to the individuals who were marching and the marchers' message. *Id.* at 150-151. The court noted, however, that the threat of violence in reaction to protected speech is not under all circumstances an impermissible ground for time, place and manner limitations of speech. *Id.*; *see also Beckerman v. Tupelo, Mississippi.*, 664 F.2d at 509 (holding that a municipality may not constitutionally prohibit a parade based on fear of hostile reaction by non-marchers).

No two parades can be held at the same time and location. Thus, a city's denial of a permit to an applicant on these grounds is valid. *See Grayned v. City of Rockford*, 408 U.S. 104, 115-16 (1972). *See also Irish Lesbian & Gay Org. v. Bratton*, 882 F. Supp. 315, 320 (S.D.N.Y. 1995); *Gay Veterans Association v. American Legion*, 621 F. Supp. 1510, 1517 (S.D.N.Y. 1985).

3. Manner

An attempt to regulate the manner in which a parade or assembly is conducted may be valid provided that there is some rational relation between the regulation and a governmental interest and that the regulation is sufficiently defined and applied evenly. In *Beckerman v. City of Tupelo, Mississippi*, 664 F.2d 502 (5th Cir. 1981), plaintiffs challenged a parade and assembly ordinance that required the marchers to stay in one lane of travel and maintain intervals of 15 feet between parade units. The ordinance, however, made an exception for students participating in educational activities and governmental agencies. The ordinance also required that parades be conducted in an "orderly manner" and that participants use no profanity.

In finding the ordinance unconstitutional, the court determined that the city's exception for students and governmental agencies negated its argument that the regulation was related to traffic control because the same considerations existed regardless of who was marching. *Id.* at 513. The court determined that the requirement that marchers conduct themselves in an "orderly manner" was overly broad because "persons may be acting in a manner other than 'orderly' yet still be constitutionally protected." *Id.* The provision prohibiting profanity was deemed a direct prohibition of speech, which could only be sustained if it proscribed unprotected speech. *Id.* Given that "obscenity and fighting words" are the only two areas of unprotected speech and profanity can fall outside of those two categories, the court held that this portion of the ordinance also was unconstitutional. *Id.* at 514. *See also Le Flore v. Robinson*, 434 F.2d 933, 940-41 (5th Cir. 1970) (requirement that parade participants be spaced no less than 10 feet apart held invalid).

An ordinance that limited the number of people that could demonstrate at any one time before the same place of business was held facially invalid. *Le Flore v. Robinson*, 434 F.2d at 940-41 (ordinance limited to six the number of people that could participate in a demonstration). However, to protect competing interests, a permit may limit the number and location of demonstrators and counter-demonstrators. *Oliveri v. Ward*, 801 F.2d 602, 607-08 (S.D.N.Y. 1986) (to accommodate rights of demonstrators and counter-demonstrators, a city may limit the number in each group and give them separate but equal time on sidewalks within a barricaded area).

A city may not deny a permit for a privately sponsored parade or march because the event may exclude a particular group or segment of society. *See South Boston Allied War Veterans Council v. City of Boston*, 875 F. Supp. 891, 920 (D. Mass. 1995) (holding that the city could not require a veterans' association sponsoring a St. Patrick's Day parade to include a gay and lesbian organization in the parade where inclusion of the group would be a direct and significant burden on the veterans' right to associate for expressive purposes). Nor may a parade's sponsor be compelled, pursuant to state public accommodation laws that prohibit sexual orientation discrimination, to include certain participants who express a message that the sponsor does not endorse. *Hurley v. Irish*

American Gay, Lesbian and Bisexual Group, 115 S. Ct. 2338 (1995) (holding that the parade sponsor has the autonomy to choose the content of its message and, conversely, to decide what not to say).

The City of Fort Wayne

Paul Helmke, Mayor

Memorandum

To: MEMBERS OF COMMON COUNCIL

From: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL

Date: November 25, 1996

Re: CHAPTER 101: "PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES AND BLOCK PARTIES"

This Ordinance would adopt the National Institute of Municipal Law Officers' model "Parade and Public Assembly Ordinance," a copy of which is attached.

1 E Main Street Fort Wayne, Indiana 46802-1804
An Equal Opportunity Employer

GCIU 552M

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICE

SYNOPSIS OF ORDINANCE CHAPTER 101: "PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES AND BLOCK PARTIES" IS ADDED TO THE CITY OF FORT WAYNE CODE OF ORDINCES.

EFFECT OF PASSAGE CHAPTER 101 IS ADDED TO THE CODE OF ORDINANCES.

EFFECT OF NON-PASSAGE CHAPTER IS NOT ADDED TO THE CODE OF ORDINANCES.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Read the first time in full and on motion by Haywood, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference ~~Room 128, City-County~~ Building, Fort Wayne,, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____M.,E.S.T.

DATED: 11-26-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Haywood Hurst, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BENDER	✓			
CRAWFORD	✓			
EDMONDS	✓			
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			

DATED: 12-3-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) ~~(SPECIAL)~~ ~~(ZONING)~~ ORDINANCE ~~RESOLUTION~~ NO. G-32-96 on the 3rd day of December, 1996

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P M., E.S.T.

PAUL HELMKE, MAYOR

BILL NO. G-96-11-47 (AS AMENDED) As Amended

GENERAL ORDINANCE NO. G-32-96

AN ORDINANCE adding Chapter 101: "Public Assemblies, Parades, Neighborhood Association Parades and Block Parties" to the City of Fort Wayne Code of Ordinances

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 101 is added to the City of Fort Wayne Code of Ordinances, to read as follows:

SECTION 101.01 DEFINITIONS.

Block Party	A public assembly sponsored solely by and for the residents of a certain street.
Chief of Police.	The Chief of Police of the City of Fort Wayne, Indiana
City.	The City of Fort Wayne, Indiana
Neighborhood Association	An organization recognized by the Office of the Mayor as representing City residents from a distinct area of the City with defined physical boundaries.
Parade	Any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds.
Public assembly, parade, neighborhood association parade or block party permit	A permit as required by this Chapter.
Person	Any person, firm, partnership, association, corporation, company or organization of any kind.
Public assembly	Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a

place open to the general public.

Sidewalk — Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

Street — Any place or way set aside or open to the general public for purpose of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

SECTION 101.02 PERMIT REQUIRED.

No person shall engage in or conduct any public assembly, parade, neighborhood association parade or block party unless a permit is issued by the Director of Public Safety and the Director of Public Works.

SECTION 101.03 EXCEPTIONS.

This Ordinance shall not apply to the following:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions; and

(D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such public assembly, parade, neighborhood association parade or block party.

SECTION 101.04 APPLICATION.

(A) A person seeking a public assembly, parade, neighborhood association parade or block party permit shall file an application with the Office of the Board of Public Works on forms provided by the City.

(B) For single, non-recurring public assemblies, parades, neighborhood association parades or block parties, an application or a permit shall be filed with the Office of the Board of Public Works for at least ten (10) and not more than one hundred eighty (180) days before the public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum ten (10)

day filing period if, after due consideration of the date, time, place and nature of the public assembly, parade, neighborhood association parade or block party, the anticipated number of participants, and the City services required in connection with the event, the Directors determine that the waiver will not present a hazard to public safety.

(C) For public assemblies, parades, neighborhood association parades or block parties held on a regular or recurring basis at the same location, an application for a permit covering all such public assemblies, parades, neighborhood association parades or block parties during that calendar year may be filed with the Office of the Board of Public Works at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(D) The application for a public assembly, parade, neighborhood association parade or block party permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such public assembly, parade, neighborhood association parade or block party;

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the public assembly, parade, neighborhood association parade or block party is to be conducted, if any, and the authorized and responsible heads of the organization;

(3) The requested date of the public assembly, parade, neighborhood association parade or block party;

(4) The route to be traveled, including the starting point and the termination point;

(5) The approximate number of persons who, and animals and vehicles which will constitute such public assembly, parade, neighborhood association parade or block party and the type of animals and description of the vehicles;

(6) The hours when such public assembly, parade, neighborhood association parade or block party will start and terminate;

(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00	Block Party Permit.
$10.00	Neighborhood Association Parade Permit for a parade sponsored by and for a

neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution.

Amendment #1 Mayor Tom Henry 2nd Passed by CC in ordinance form. and approved

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section;

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

(10) No public assembly, parade, neighborhood association parade or block party permit application for the same time and location is already granted or has been received and will be granted;

(11) No public assembly, parade, neighborhood association parade or block party permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior public assembly, parade, neighborhood association parade or block party are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;

(12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way unless specific approval is granted by the Director of Public Works as part of the application for the public assembly, parade, neighborhood association parade or block party permit.

SECTION 101.08 NON-DISCRIMINATION.

The Director of Public Safety and Director of Public Works, acting jointly, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 101.09 NOTICE OF DENIAL OF APPLICATION.

The Director of Public Safety and the Director of Public Works shall act promptly upon a timely filed application for a public assembly, parade, neighborhood association parade or block party permit but in not event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Director of Public Safety and the Director of Public Works disapprove the application, they shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of their action and state the reasons for denial.

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Office of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed public assembly, parade, neighborhood association parade or block party to knowingly fail to comply with any condition of the permit;

(D) It shall be unlawful for any person to engage in any public assembly, parade, neighborhood association parade or block party activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(E) It shall be unlawful for any person participating in any public assembly, parade, neighborhood association parade or block party to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such an object is one-fourth (1/4") inches or less in thickness and two (2") inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4") inches in its thickest dimension;

(F) It shall be unlawful for any person to carry an sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(G) It shall be unlawful for any person participating in a public assembly, parade, neighborhood association parade or block party to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Chapter 96.

(H) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 101.16 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES OR BLOCK PARTIES.

(A) No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly, parade, neighborhood association parade or block party or with any person, vehicle or animal participating or used in a public assembly, parade, neighborhood association parade or block party.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a public assembly, parade, neighborhood association parade or block party when such vehicles or persons are in motion and are conspicuously designated as a public assembly, parade, neighborhood association parade or block party.

(C) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly, parade, neighborhood association parade or block party. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

_____
Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay

J. Timothy McCaulay, City Attorney

BILL NO. G-96-11-47 As Amended / As Amended

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) adding Chapter 101; Public Assemblies, Parades, Neighborhood Association Parades and Block Parties

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 12-3-96

Sandra E. Kennedy
City Clerk

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

December 12, 1996

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of December 16, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-96-11-42 (as amended)
Swimming Pools and Beaches

Bill No. G-96-11-47 (as amended)
(as amended)
Public Assemblies, Parades,
Neighborhood Association Parades
and Block Parties

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

LEGAL NOTICE

Notice is hereby given that on the 3rd day of December, 19 96, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-96-11-47 (as amended) (as amended) General Ordinance No. G-32-96 to-wit:

BILL NO. G-96-11-47 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-32-96

AN ORDINANCE adding Chapter 101: "Public Assemblies, Parades, Neighborhood Association Parades and Block Parties" to the City of Fort Wayne Code of Ordinances

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 101 is added to the City of Fort Wayne Code of Ordinances, to read as follows:

SECTION 101.01 DEFINITIONS.

Block Party	A public assembly sponsored solely by and for the residents of a certain street.
Chief of Police.	The Chief of Police of the City of Fort Wayne, Indiana
City.	The City of Fort Wayne, Indiana
Neighborhood Association	An organization recognized by the Office of the Mayor as representing City residents from a distinct area of the City with defined physical boundaries.
Parade	Any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds.
Public assembly, parade, neighborhood association parade or block party permit	A permit as required by this Chapter.
Person	Any person, firm, partnership, association, corporation, company or organization of any kind.
Public assembly	Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a

	place open to the general public.
Sidewalk	Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
Street	Any place or way set aside or open to the general public for purpose of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

SECTION 101.02 PERMIT REQUIRED.

No person shall engage in or conduct any public assembly, parade, neighborhood association parade or block party unless a permit is issued by the Director of Public Safety and the Director of Public Works.

SECTION 101.03 EXCEPTIONS.

This Ordinance shall not apply to the following:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions; and

(D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such public assembly, parade, neighborhood association parade or block party.

SECTION 101.04 APPLICATION.

(A) A person seeking a public assembly, parade, neighborhood association parade or block party permit shall file an application with the Office of the Board of Public Works on forms provided by the City.

(B) For single, non-recurring public assemblies, parades, neighborhood association parades or block parties, an application or a permit shall be filed with the Office of the Board of Public Works for at least ten (10) and not more than one hundred eighty (180) days before the public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum ten (10)

day filing period if, after due consideration of the date, time, place and nature of the public assembly, parade, neighborhood association parade or block party, the anticipated number of participants, and the City services required in connection with the event, the Directors determine that the waiver will not present a hazard to public safety.

(C) For public assemblies, parades, neighborhood association parades or block parties held on a regular or recurring basis at the same location, an application for a permit covering all such public assemblies, parades, neighborhood association parades or block parties during that calendar year may be filed with the Office of the Board of Public Works at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(D) The application for a public assembly, parade, neighborhood association parade or block party permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such public assembly, parade, neighborhood association parade or block party;

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the public assembly, parade, neighborhood association parade or block party is to be conducted, if any, and the authorized and responsible heads of the organization;

(3) The requested date of the public assembly, parade, neighborhood association parade or block party;

(4) The route to be traveled, including the starting point and the termination point;

(5) The approximate number of persons who, and animals and vehicles which will constitute such public assembly, parade, neighborhood association parade or block party and the type of animals and description of the vehicles;

(6) The hours when such public assembly, parade, neighborhood association parade or block party will start and terminate;

(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00	Block Party Permit.
$10.00	Neighborhood Association Parade Permit for a parade sponsored by and for a

neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section;

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

(10) No public assembly, parade, neighborhood association parade or block party permit application for the same time and location is already granted or has been received and will be granted;

(11) No public assembly, parade, neighborhood association parade or block party permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior public assembly, parade, neighborhood association parade or block party are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;

(12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of-way unless specific approval is granted by the Director of Public Works as part of the application for the public assembly, parade, neighborhood association parade or block party permit.

SECTION 101.08 NON-DISCRIMINATION.

The Director of Public Safety and Director of Public Works, acting jointly, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 101.09 NOTICE OF DENIAL OF APPLICATION.

The Director of Public Safety and the Director of Public Works shall act promptly upon a timely filed application for a public assembly, parade, neighborhood association parade or block party permit but in not event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Director of Public Safety and the Director of Public Works disapprove the application, they shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of their action and state the reasons for denial.

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Office of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed public assembly, parade, neighborhood association parade or block party to knowingly fail to comply with any condition of the permit;

(D) It shall be unlawful for any person to engage in any public assembly, parade, neighborhood association parade or block party activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(E) It shall be unlawful for any person participating in any public assembly, parade, neighborhood association parade or block party to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such an object is one-fourth (1/4") inches or less in thickness and two (2") inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4") inches in its thickest dimension;

(F) It shall be unlawful for any person to carry an sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(G) It shall be unlawful for any person participating in a public assembly, parade, neighborhood association parade or block party to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Chapter 96.

(H) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 101.16 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES OR BLOCK PARTIES.

(A) No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly, parade, neighborhood association parade or block party or with any person, vehicle or animal participating or used in a public assembly, parade, neighborhood association parade or block party.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a public assembly, parade, neighborhood association parade or block party when such vehicles or persons are in motion and are conspicuously designated as a public assembly, parade, neighborhood association parade or block party.

(C) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly, parade, neighborhood association parade or block party. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Thomas E. Hayhurst
Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bender, Crawford, Edmonds, Hall, Hayhurst, Henry, Lunsey, Ravine, Schmidt
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-3-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-32-96 on the 3rd day of December, 1996

ATTEST

Sandra E. Kennedy
City Clerk

SEAL

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-32-96, passed by the Common Council on the 3rd day of December, 19 96, and that said Ordinance was duly signed and approved by the Mayor on the 5th day of December, 19 96, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 5th day of December, 19 96.

SEAL

SANDRA E. KENNEDY, CITY CLERK

neighborhood association parade or block party will start and terminate;

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(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00 Block Party Permit.

$10.00 Neighborhood Association Parade Permit for a parade sponsored by and for a neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.

12–16 #329816 **(PART 3 OF 7) #224**

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section;

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

10) No public assembly, parade, neighborhood association parade or block party permit application for the same time and location is already granted or has been received and will be granted;

(11) No public assembly, parade, neighborhood association parade or block party permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior public assembly, parade, neighborhood association parade or block party are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;

(12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of- way unless specific approval is granted by the Director of Public Works as part of the application for the public assembly, parade, neighborhood association parade or block party permit.

SECTION 101.08 NON-DISCRIMINATION.

The Director of Public Safety and Director of Public Works, acting jointly, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 101.09 NOTICE OF DENIAL OF APPLICATION.

The Director of Public Safety and the Director of Public Works shall act promptly upon a timely hled application for a public assembly, parade, neighborhood association parade or block party permit but in not event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Director of Public Safety and the Director of Public Works disapprove the application, they shall notify the applicant either by personai delivery or certified mail at least forty-eight (48) hours prior to the event of their action and state the reasons for denial.

12–16 #329817 **(PART 4 OF 7) #224**

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Offfice of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;

12–16 #329818 **(PART 5 OF 7) #224**

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed pubiic assembly, parade, neighborhood association parade or block party to knowingly fail to comply with any condition of the permit;

(D) It shall be unlawful for any person to engage in any public assembly, parade, neighborhood association parade or block party activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(E) It shall be unlawful for any person participating in any public assembly, parade, neighborhood association parade or block party to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such an object is one-fourth (1/4") inches or less in thickness and two (2") inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4") inches in its thickest dimension;

(F) It shall be unlawful for any person to carry an sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(G) It shall be unlawful for any person participating in a public assembly, parade, neighborhood association parade or block party to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Chapter 96.

(H) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 101.16 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES OR BLOCK PARTIES.

(A) No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly, parade, neighborhood association parade or block party or with any person, vehicle or animal participating or used in a public assembly, parade, neighborhood association parade or block party.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a public assembly, parade, neighborhood association parade or block party when such vehicles or persons are in motion and are conspicuously designated as a public assembly, parade, neighborhood association parade or block party.

(C) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly, parade, neighborhood association parade or block party. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

12–16 #329819 **(PART 6 OF 7) #224**

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Thomas E. Hayhurst

Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bender, Crawford, Edmonds, Hall, Hayhurst, Henry, Lunsey, Ravine, Schmidt
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-3-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-32-96 on the 3rd day of December, 1996

ATTEST

Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M.,E.S.T.

Paul Helmke

Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-32-96, passed by the Common Council on the 3rd day of December, 1996, and that said ordinance was duly signed and approved by the Mayor on the 5th day of December, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 5th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK

12–16 #330100 **(PART 7 OF 7) #224**

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lotice is hereby given that on the 3rd day Of December 1996, the Common Council of the City of ort Wayne, Indiana, in a Special Session did pass ne following Bill No. G-96-11-47 (as amended) (as mended) General Ordinance No. G-32-96 to-wit:

ILL NO. G-96-11-47 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-32-96

N ORDINANCE adding Chapter 101: "Public Assemblies, Parades, Neighborhood Association Parades and Block Parties" to the City of Fort Wayne Code of Ordinances

OW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CITY OF ORT WAYNE, INDIANA:

ECTION 1. That Chapter 101 is added to the City f Fort Wayne Code of Ordinances, to read as follows:

ECTION 101.01 DEFINITIONS.

Block Party

A public assembly sponsored solely by and for the esidents of a certain street.

Chief of Police.

The Chief of Police of the City of Fort Wayne, Indiana

City.

The City of Fort Wayne, Indiana

Neighborhood Association

An organization recognized by the Office of the Mayor as representing City residents from a distinct area of the City with defined physical boundaries.

Parade

Any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds.

Public assembly, parade, A permit as required by this Chapter.
neighborhood association parade or block party permit

Person

Any person, firm, partnership, association, corporation, company or organization of any kind.

Public assembly

Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open the general public.

Sidewalk

Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

Street

Any place or way set aside or open to the general public for purpose of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.
12--16 #329811 **(PART 1 OF 7)#224**

SECTION 101.02 PERMIT REQUIRED.

No person shall engage in or conduct any public assembly, parade, neighborhood association parade or block party unless a permit is issued by the Director of Public Safety and the Director of Public Works.

SECTION 101.03 EXCEPTIONS.

This Ordinance shall not apply to the following:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions; and

(D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such public assembly, parade, neighborhood association parade or block party.

SECTION 101.04 APPLICATION.

(A) A person seeking a public assembly, parade, neighborhood association parade or block party permit shall file an application with the Office of the Board of Public Works on forms provided by the City.

(B) For single, non-recurring public assemblies, parades, neighborhood association parades or block parties, an application or a permit shall be filed with the Office of the Board of Public Works for at least ten (10) and not more than one hundred eighty (180) days before the public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may authorize application for a public assembly, parade, neighborhood association parade or block party permit within a shorter period of time prior to the proposed event, provided that no application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior public assembly, parade, neighborhood association parade or block party are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.
12--16 #329816 **(PART 3 OF 7) #224**

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent adequate police protection for the remainder of the City;

(3) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of ambulances as to prevent adequate ambulance service to the remainder of the City;

(4) The concentration of persons, animals and vehicles at public assembly, parade, neighborhood association parade or block party assembly points will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of the public assembly, parade, neighborhood association parade or block party will not interfere with the movement of fire-fighting equipment en route to a fire;

(6) The public assembly, parade, neighborhood association parade or block party is not scheduled to move over a route or location that is unsuitable or unsafe for such public assembly, parade, neighborhood association parade or block party;

(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00 Block Party Permit.

$10.00 Neighborhood Association Parade Permit for a parade sponsored by and for a neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.
12--16 #329816 **(PART 3 OF 7) #224**

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent adequate police protection for the remainder of the City;

(3) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of ambulances as to prevent adequate ambulance service to the remainder of the City;

(4) The concentration of persons, animals and vehicles at public assembly, parade, neighborhood association parade or block party assembly points will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of the public assembly, parade, neighborhood association parade or block party will not interfere with the movement of fire-fighting equipment en route to a fire;

(6) The public assembly, parade, neighborhood association parade or block party is not scheduled to move over a route or location that is unsuitable or unsafe for such public assembly, parade, neighborhood association parade or block party;

(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00 Block Party Permit.

$10.00 Neighborhood Association Parade Permit for a parade sponsored by and for a neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.
12--16 #329816 **(PART 3 OF 7) #224**

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent adequate police protection for the remainder of the City;

(3) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of ambulances as to prevent adequate ambulance service to the remainder of the City;

(4) The concentration of persons, animals and vehicles at public assembly, parade, neighborhood association parade or block party assembly points will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of the public assembly, parade, neighborhood association parade or block party will not interfere with the movement of fire-fighting equipment en route to a fire;

(6) The public assembly, parade, neighborhood association parade or block party is not scheduled to move over a route or location that is unsuitable or unsafe for such public assembly, parade, neighborhood association parade or block party;

(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.08 NON-DISCRIMINATION.

The Director of Public Safety and Director of Public Works, acting jointly, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 101.09 NOTICE OF DENIAL OF APPLICATION.

The Director of Public Safety and the Director of Public Works shall act promptly upon a timely filed application for a public assembly, parade, neighborhood association parade or block party permit but in not event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Director of Public Safety and the Director of Public Works disapprove the application, they shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of their action and state the reasons for denial.
12--16 #329817 **(PART 4 OF 7) #224**

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Offfice of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

peace or rights of residents to the quiet enjoyment of their property;

(E) It shall be unlawful for any person in any public assembly, parade, neighb ciation parade or block party to carry or length of metal, lumber, wood, or simila purposes of displaying a sign, poster, p tice, unless such an object is one-fourth es or less in thickness and two (2") inch width, or if not generally rectangular in object shall not exceed three-fourths (in its thickest dimension;

(F) It shall be unlawful for any person sign, poster, plaque, or notice, whe mounted on a length of material as spe section (e) of this Section, unless such plaque, or notice is constructed or mad paper, or cardboard material;

(G) It shall be unlawful for any person in a public assembly, parade, neighborh tion parade or block party to utilize sou tion equipment at decibel levels that limits imposed by Chapter 96.

(H) It shall be unlawful for any person or cause to be ridden or driven any anim imal-drawn vehicle upon any public specifically authorized by the permit.

SECTION 101.16 PUBLIC CONDUCT D LIC ASSEMBLIES, PARADES, NEI ASSOCIATION PARADES OR BLOCK PAR

(A) No person shall unreasonably ham or impede, or interfere with any public rade, neighborhood association parade ty or with any person, vehicle or animal or used in a public assembly, parade, association parade or block party.

(B) No driver of a vehicle shall drive be hicles or persons comprising a public rade, neighborhood association parade ty when such vehicles or persons are i are conspicuously designated as a put parade, neighborhood association par party.

(C) The Chief of Police shall have when reasonably necessary, to prohib the parking of vehicles along a street part of the route of a public asser neighborhood association parade or The Chief of Police shall post signs t and it shall be unlawful for any pers leave unattended any vehicle in violatio person shall be liable for parking unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PER

The Chief of Police shall have the auth a public assembly, parade, neighborh tion parade or block party permit insta lation of the conditions or standards fo set forth in this Ordinance or when a pu cy arises where the police resources re emergency are so great that deploym services for the public assembly, para hood association parade or block part an immediate and adverse effect upo and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of this Chapter shall be subject to a fine $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentenc phrase of this Ordinance is for any re valid or unconstitutional by the decisio of competent jurisdiction, such decisio fect the validity of the remaining portio dinance.
12--16 #329819 **(PART**

SECTION 2. That this Ordinance is in effect from and after passage and any sary approval by the Mayor.

Thom

C

Read the third time in full and c Hayhurst, and duly adopted, placed o PASSED by the following vote:

AYES: Nine
Bender, Crawford, Edmonds, Hall, Hayhu Lunsey, Ravine, Schmidt
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-3-96 San

Passed and adopted by the Common City of Fort Wayne, Indiana, as Gen No. G-32-96 on the 3rd day of Decembe

ATTEST

Sandra E. Kennedy
City Clerk P

Presented by me to the Mayor of the Cit Wayne, Indiana, on the 4th day of Dece at the hour of 11:45 o'clock A.M.,E.S.T.

San

Approved and signed by me this 5th ber, 1996, at the hour of 3:30 o'clock P

paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00 Block Party Permit.

$10.00 Neighborhood Association Parade Permit for a parade sponsored by and for a neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.

12--16 #329816 **(PART 3 OF 7) #224**

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambuiance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section;

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures

Public Works, in denying an application [illegible] assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Offfice of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Poiice shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;

12--16 #329818 **(PART 5 OF 7) #224**

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed public assembly, parade, neighborhood association [illegible] knowingly fail to comply

and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

12--16 #329819 **(PART 6 OF 7) #224**

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Thomas E. Hayhurst

Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bender, Crawford, Edmonds, Hall, Hayhurst, Henry, Lunsey, Ravine, Schmidt
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-3-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-32-96 on the 3rd day of December, 1996

ATTEST

Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M.,E.S.T.

Paul Helmke

Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-32-96, passed by the Common Council on the 3rd day of December, 1996, and that said ordinance was duly signed and approved by the Mayor on the 5th day of December, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 5th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK

12--16 #330100 **(PART 7 OF 7) #224**

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tendency to interfere with the normal flow of regulation of traffic upon the streets, parks or other public grounds.

Public assembly, parade, A permit as required by this Chapter.
neighborhood association parade or block party permit

Person

Any person, firm, partnership, association, corporation, company or organization of any kind.

Public assembly

Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open the general public.

Sidewalk

Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

Street

Any place or way set aside or open to the general public for purpose of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.
12--16 #329811 **(PART 1 OF 7)#224**

SECTION 101.02 PERMIT REQUIRED.

No person shall engage in or conduct any public assembly, parade, neighborhood association parade or block party unless a permit is issued by the Director of Public Safety and the Director of Public Works.

SECTION 101.03 EXCEPTIONS.

This Ordinance shall not apply to the following:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions; and

(D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such public assembly, parade, neighborhood association parade or block party.

SECTION 101.04 APPLICATION.

(A) A person seeking a public assembly, parade, neighborhood association parade or block party permit shall file an application with the Office of the Board of Public Works on forms provided by the City.

(B) For single, non-recurring public assemblies, parades, neighborhood association parades or block parties, an application or a permit shall be filed with the Office of the Board of Public Works for at least ten (10) and not more than one hundred eighty (180) days before the public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum ten (10) day filing period if, after due consideration of the date, time, place and nature of the public assembly, parade, neighborhood association parade or block party, the anticipated number of participants, and the City services required in connection with the event, the Directors determine that the waiver will not present a hazard to public safety.

(C) For public assemblies, parades, neighborhood association parades or block parties held on a regular or recurring basis at the same location, an application for a permit covering all such public assemblies, parades, neighborhood association parades or block parties during that calendar year may be filed with the Office of the Board of Public Works at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(D) The application for a public assembly, parade, neighborhood association parade or block party permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such public assembly, parade, neighborhood association parade or block party;
(2) The names, addresses and telephone numbers of the headquarters of the organization for which the public assembly, parade, neighborhood association parade or block party is to be conducted, if any, and the authorized and responsible heads of the organization;
(3) The requested date of the public assembly, parade, neighborhood association parade or block party;
(4) The route to be traveled, including the starting point and the termination point;
(5) The approximate number of persons who, and animals and vehicles which will constitute such public assembly, parade, neighborhood association parade or block party and the type of animals and description of the vehicles;
(6) The hours when such public assembly, parade,

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00 Block Party Permit.

$10.00 Neighborhood Association Parade Permit for a parade sponsored by and for a neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.
12--16 #329816 **(PART 3 OF 7) #224**

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambuiance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section;

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

10) No public assembly, parade, neighborhood association parade or block party permit application for the same time and location is already granted or has been received and will be granted;

(11) No public assembly, parade, neighborhood as-

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Offfice of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Police shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;
12--16 #329818 **(PART 5 OF 7) #224**

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed pubiic assembly, parade, neighborhood association parade or block party to knowingly fail to comply with any condition of the permit;

(D) It shall be unlawful for any person to engage in any public assembly, parade, neighborhood association parade or block party activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public

the parking of vehicles along a street constituting a part of the route of a public assembly, parade, neighborhood association parade or block party. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.

Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
12--16 #329819 **(PART 6 OF 7) #224**

SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Thomas E. Hayhurst

Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bender, Crawford, Edmonds, Hall, Hayhurst, Henry, Lunsey, Ravine, Schmidt
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-3-96 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-32-96 on the 3rd day of December, 1996

ATTEST

Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M.,E.S.T.

Paul Helmke

Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-32-96, passed by the Common Council on the 3rd day of December, 1996, and that said ordinance was duly signed and approved by the Mayor on the 5th day of December, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 5th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK

12-16 #330100 **(PART 7 OF 7) #224**

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Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

705 lines, 1 columns wide equals 705 equivalent lines at .346 cents per line $ 243.93

Additional charge for notices containing rule or tabular work (50 percent of above amount)

Charge for extra proofs of publication ($1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM $ 244.93

DATA FOR COMPUTING COST

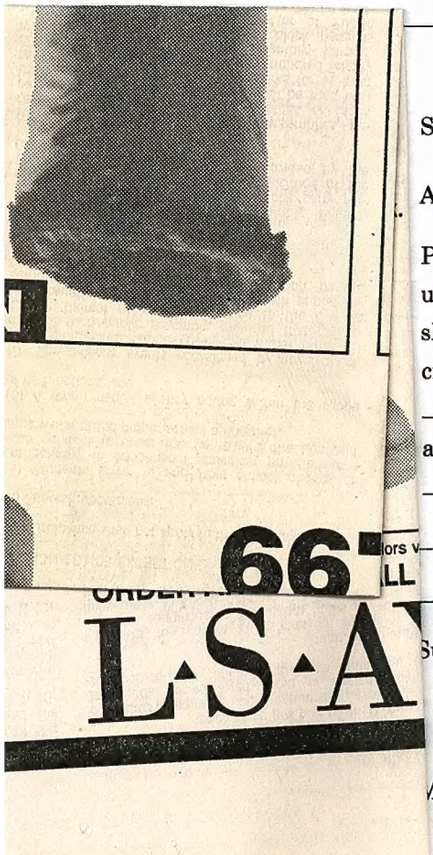
Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Julie L Smith

Date: DEC 16, 19 96 Title: Clerk



PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

12-16-96

Julie L Smith

Subscribed and sworn to before me this 16th day of DEC, 19 96.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14,1997

My commission expires:

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

LEGAL NOTICE

Notice is hereby given that on the 3rd day Of December 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-96-11-47 (as amended) (as amended) General Ordinance No. G-32-96 to-wit:

BILL NO. G-96-11-47 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-32-96

AN ORDINANCE adding Chapter 101: "Public Assemblies, Parades, Neighborhood Association Parades and Block Parties" to the City of Fort Wayne Code of Ordinances

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 101 is added to the City of Fort Wayne Code of Ordinances, to read as follows:

SECTION 101.01 DEFINITIONS

Block Party

A public assembly sponsored solely by and for the residents of a certain street.

Chief of Police.

The Chief of Police of the City of Fort Wayne, Indiana

City.

The City of Fort Wayne, Indiana

Neighborhood Association

An organization recognized by the Office of the Mayor as representing City residents from a distinct area of the City with defined physical boundaries.

Parade

Any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets, parks or other public grounds.

Public assembly, parade, A permit as required by this Chapter.
neighborhood association parade or block party permit

Person

Any person, firm, partnership, association, corporation, company or organization of any kind.

Public assembly

Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open the general public.

Sidewalk

Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

Street

Any place or way set aside or open to the general public for purpose of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

SECTION 101.02 PERMIT REQUIRED.

No person shall engage in or conduct any public assembly, parade, neighborhood association parade or block party unless a permit is issued by the Director of Public Safety and the Director of Public Works.

SECTION 101.03 EXCEPTIONS.

This Ordinance shall not apply to the following:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(C) A governmental agency acting within the scope of its functions; and

(D) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the City at least twenty-four (24) hours prior to such public assembly, parade, neighborhood association parade or block party.

SECTION 101.04 APPLICATION.

(A) A person seeking a public assembly, parade, neighborhood association parade or block party permit shall file an application with the Office of the Board of Public Works on forms provided by the City.

(B) For single, non-recurring public assemblies, parades, neighborhood association parades or block parties, an application or a permit shall be filed with the Office of the Board of Public Works for at least ten (10) and not more than one hundred eighty (180) days before the public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum ten (10) day filing period if, after due consideration of the date, time, place and nature of the public assembly, parade, neighborhood association parade or block party, the anticipated number of participants, and the City services required in connection with the event, the Directors determine that the waiver will not present a hazard to public safety.

(C) For public assemblies, parades, neighborhood association parades or block parties held on a regular or recurring basis at the same location, an application for a permit covering all such public assemblies, parades, neighborhood association parades or block parties during that calendar year may be filed with the Office of the Board of Public Works at least sixty (60) and not more than one hundred eighty (180) days before the date and time at which the first such public assembly, parade, neighborhood association parade or block party is proposed to commence. The Director of Public Works and the Director of Public Safety, acting jointly, may waive the minimum sixty (60) day period after due consideration of the factors specified in subsection (b) above.

(D) The application for a public assembly, parade, neighborhood association parade or block party permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such public assembly, parade, neighborhood association parade or block party;
(2) The names, addresses and telephone numbers of the headquarters of the organization for which the public assembly, parade, neighborhood association parade or block party is to be conducted, if any, and the authorized and responsible heads of the organization;
(3) The requested date of the public assembly, parade, neighborhood association parade or block party;
(4) The route to be traveled, including the starting point and the termination point;
(5) The approximate number of persons who, and animals and vehicles which will constitute such public assembly, parade, neighborhood association parade or block party and the type of animals and description of the vehicles;
(6) The hours when such public assembly, parade, neighborhood association parade or block party will start and terminate;
(7) A statement as to whether the public assembly, parade, neighborhood association parade or block party will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location by street of any assembly areas for such public assembly, parade, neighborhood association parade or block party;

(9) The time at which units of the public assembly, parade, neighborhood association parade or block party will begin to assemble at any such area;

(10) The intervals of space to be maintained between units of such public assembly, parade, neighborhood association parade or block party;

(11) The public assembly, parade, neighborhood association parade or block party is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from the person with the Office of the Board of Public Works authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event;

(13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly, parade, neighborhood association parade or block party;

(14) The approximate number of participants (spectators are by definition not participants);

(15) The approximate number of spectators;

(16) A designation of any public facilities or equipment to be utilized; and

(17) Any additional information that the Director of Public Works and the Director of Public Safety finds reasonably necessary to a fair determination as to whether a permit should be issued.

SECTION 101.05 FEES.

(A) A non-refundable application fee to cover administrative costs of processing the permit shall be paid to the City of Fort Wayne by the applicant when the application is filed. Application fees shall not be waived by the City and shall be charged according to the following schedule:

$10.00 Block Party Permit.

$10.00 Neighborhood Association Parade Permit for a parade sponsored by and for a neighborhood association, the route of which is totally contained within the neighborhood association's boundaries.

$50.00 All others.

(B) If the application is for the use of any City property or right-of-way, or if any City services shall be required for the public assembly, parade, neighborhood association parade or block party, the applicant shall pay, prior the issuance of a permit, the charges for those services accordance with a schedule of service costs approved by the Board of Public Works by resolution and approved by Common Council in ordinance form.

SECTION 101.06 POLICE PROTECTION.

(A) The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the public assembly, parade, neighborhood association parade or block party for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary policy services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

(B) Persons engaging in public assemblies, parades, neighborhood association parades or block parties conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(C) The sponsor of any public assembly, parade, neighborhood association parade or block party which is also subject to police protection fees under Chapter 118 shall not be charged for police protection as a result of this Chapter.

SECTION 101.07 STANDARDS FOR ISSUANCE.

(A) The Director of Public Works and the Director of Public Safety, acting jointly, shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the public assembly, parade, neighborhood association parade or block party will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(2) The conduct of the public assembly, parade, neighborhood association parade or block party will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(3) The concentration of persons, animals and vehicles at public assembly points of the public assembly, parade, neighborhood association parade or block party will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly;

(4) The conduct of the public assembly, parade, neighborhood association parade or block party is not reasonably likely to cause injury to persons or property;

(5) The public assembly, parade, neighborhood association parade or block party is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(7) There are sufficient parking places near the site of the public assembly, parade, neighborhood association parade or block party to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection, if any, required under Section;

(9) Such public assembly, parade, neighborhood association parade or block party is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

10) No public assembly, parade, neighborhood association parade or block party permit application for the same time and location is already granted or has been received and will be granted;

(11) No public assembly, parade, neighborhood association parade or block party permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior public assembly, parade, neighborhood association parade or block party are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;

(12) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a City street, sidewalk, or right-of- way unless specific approval is granted by the Director of Public Works as part of the application for the public assembly, parade, neighborhood association parade or block party permit.

SECTION 101.08 NON-DISCRIMINATION.

The Director of Public Safety and Director of Public Works, acting jointly, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION 101.09 NOTICE OF DENIAL OF APPLICATION.

The Director of Public Safety and the Director of Public Works shall act promptly upon a timely filed application for a public assembly, parade, neighborhood association parade or block party permit but in not event shall grant or deny a permit less than forty-eight (48) hours prior to the event. If the Director of Public Safety and the Director of Public Works disapprove the application, they shall notify the applicant either by personal delivery or certified mail at least forty-eight (48) hours prior to the event of their action and state the reasons for denial.

SECTION 101.10 ALTERNATIVE PERMIT.

(A) The Director of Public Safety and Director of Public Works, in denying an application for a public assembly, parade, neighborhood association parade or block party permit, may authorize the conduct of the public assembly, parade, neighborhood association parade or block party at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Director of Public Safety and Director of Public Works, file a written notice of acceptance with the Offfice of the Board of Public Works.

(B) An alternate public assembly, parade, neighborhood association parade or block party permit shall conform to the requirements of, and shall have the effect of, a public assembly, parade, neighborhood association parade or block party permit issued under this Ordinance.

SECTION 101.11 APPEAL PROCEDURE.

(A) Any applicant shall have the right to appeal the denial of a public assembly, parade, neighborhood association parade or block party permit to the Board of Public Works. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Clerk of the Board of Public Works. The Board of Public Works shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(B) In the event that the Board of Public Works rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

SECTION 101.12 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a public assembly, parade, neighborhood association parade or block party permit, the Clerk of the Board of Public Works shall send a copy thereof to the following:

(A) The Mayor;

(B) The City Attorney;

(C) The Fire Chief;

(D) The Director of Public Safety;

(E) The Postmaster; and

(F) The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed public assembly, parade, neighborhood association parade or block party.

SECTION 101.13 CONTENTS OF PERMIT.

Each public assembly, parade, neighborhood association parade or block party permit shall state the following information:

(A) Starting and approximate ending time;

(B) Minimum speed of parade units;

(C) Maximum speed of parade units;

(D) Maximum interval of space to be maintained between parade units;

(E) The portions of the streets that may be occupied by the public assembly, parade, neighborhood association parade or block party;

(F) The maximum length of the parade in miles or fractions thereof; and

(G) Such other information as the Director of Public Safety, the Director of Public Works or the Chief of Poiice shall find necessary to the enforcement of this Ordinance.

SECTION 101.14 DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) The public assembly, parade, neighborhood association parade or block party chairman or other person heading such activity shall carry the public assembly, parade, neighborhood association parade or block party permit upon his person during the conduct of the public assembly, parade, neighborhood association parade or block party.

SECTION 101.15 PROHIBITIONS.

The following prohibitions shall apply to all parades and public assemblies:

(A) It shall be unlawful for any person to stage, present, or conduct any public assembly, parade, neighborhood association parade or block party without first having obtained a permit as herein provided;

(B) It shall be unlawful for any person to participate in a public assembly, parade, neighborhood association parade or block party for which the person knows a permit has not been granted;

(C) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed pubic assembly, parade, neighborhood association parade or block party to knowingly fail to comply with any condition of the permit;

(D) It shall be unlawful for any person to engage in any public assembly, parade, neighborhood association parade or block party activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(E) It shall be unlawful for any person participating in any public assembly, parade, neighborhood association parade or block party to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such an object is one-fourth (1/4") inches or less in thickness and two (2") inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4") inches in its thickest dimension;

(F) It shall be unlawful for any person to carry an sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (e) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;

(G) It shall be unlawful for any person participating in a public assembly, parade, neighborhood association parade or block party to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Chapter 96.

(H) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 101.16 PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES OR BLOCK PARTIES.

(A) No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly, parade, neighborhood association parade or block party or with any person, vehicle or animal participating or used in a public assembly, parade, neighborhood association parade or block party.

(B) No driver of a vehicle shall drive between the vehicles or persons comprising a public assembly, parade, neighborhood association parade or block party when such vehicles or persons are in motion and are conspicuously designated as a public assembly, parade, neighborhood association parade or block party.

(C) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly, parade, neighborhood association parade or block party. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

SECTION 101.17 REVOCATION OF PERMIT.

The Chief of Police shall have the authority to revoke a public assembly, parade, neighborhood association parade or block party permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly, parade, neighborhood association parade or block party would have an immediate and adverse effect upon the welfare and safety of persons or property.

SECTION 101.18 PENALTIES.
Any person violating the provisions of any section of this Chapter shall be subject to a fine not to exceed $1000.00.

SECTION 101.19 SEVERABILITY.
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
SECTION 2. That this Ordinance is in full force and effect from and after passage and any and all necessary approval by the Mayor.

Thomas E. Hayhurst

Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bender, Crawford, Edmonds, Hall, Hayhurst, Henry, Lunsey, Ravine, Schmidt
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-3-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-32-96 on the 3rd day of December, 1996

ATTEST

Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-32-96, passed by the Common Council on the 3rd day of December, 1996, and that said ordinance was duly signed and approved by the Mayor on the 5th day of December, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 5th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK

12--16

#330100 (PART 7 OF 7) #224

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

705 lines, 1 columns wide equals 705 equivalent lines
at .346 cents per line $ 243.93

Additional charge for notices containing rule or tabular work (50 percent of above amount)

Charge for extra proofs of publication ($1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM $ 244.93

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Julie L Smith

Date: DEC 16, 19 96 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

ATTACH COPY OF ADVERTISEMENT HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

12-16-96

Julie L Smith

Subscribed and sworn to before me this 16th day of DEC , 19 96.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14,1997

My commission expires: